



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Seiichi MIYAZAKI

Group Art Unit: 2823

Application No.: 09/913,334

Examiner: G. Fourson III

Filed: August 13, 2001

Docket No.: 110386

For: ETCHANT, ETCHING METHOD AND SEMICONDUCTOR SILICON WAFER

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 5, 2004 Election of Species Requirement, Applicants provisionally elect Species I, including etching silicon using etchant prepared as in claim 38, with traverse. Applicants respectfully submit that at least claims 38-40 read on the elected species, and at least claims 39 and 40 are generic.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

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unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further understand, however, that upon search, examination and allowance of the elected Species, search and examination will continue as to the non-elected Species within the scope of the generic claims.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:JMS/jcp

Date: February 27, 2004

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